

13281 U.S. PTO  
020604

PATENT  
Attorney Docket 036870-5073-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office  
**Mail Stop Patent Application**  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

031431 U.S. PTO  
10/772437  
020604

**DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)**

**This is a request for filing a Divisional patent application under 37 C.F.R. 1.53(b).**

1. This application is a Divisional Patent Application under 37 C.F.R. 1.53 of pending prior application No. 10/270,595 filed on October 16, 2002 of:

Inventors: 1. Kenneth J. Holroyd, Plymouth Meeting, PA  
2. Roy C. Levitt, Plymouth Meeting, PA  
3. W. Lee Maloy, Plymouth Meeting, PA  
4. Jamila Louahed, Plymouth Meeting, PA  
5. Michael McLane, Plymouth Meeting, PA  
6. Nicholas C. Nicolaides, Plymouth Meeting, PA  
7. Yuhong Zhou, Plymouth Meeting, PA  
8. Qu Dong, Plymouth Meeting, PA

**For: Asthma Associated Factors as Targets for Treating Atopic Allergies  
Including Asthma and Related Disorders**

Prior Application: 10/270,595

Examiner: Prema Mertz

Group Art Unit: 1646

2. The papers enclosed are as follows:

A new divisional application:

54 Pages of specification including  
50 Pages of description  
04 Pages of claims  
19 Sheets of Drawings (Figures 1-18)  
36 Pages of Sequence Listing  
01 Page of Request to Transfer Sequence Listing

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
4. Relate Back (35 U.S.C. 120): Please see the attached Preliminary Amendment.
5. Assignment: The prior application is assigned of record to Magainin Pharmaceuticals Inc. at Reel/Frame 012080/0843 on August 16, 2001. A certificate of merger of Magainin Pharmaceuticals Inc. and Genaera Corporation was recorded on August 15, 2001 at Reel/Frame 012061/0506.
6. Small Entity Status was claimed in the prior nonprovisional application and is still proper and desired.
7. Extension of Time in Parent Application No. 10/270,595: If an extension of time is necessary for the filing of this divisional application, including any extension in pending parent Application 10/270,595 for the purpose of maintaining copendency between the prior application and the present application, such an extension is hereby requested and the Commissioner is authorized to charge the necessary fees for such an extension to Deposit Account No. 50-0310.
8. Amendments: Prior to calculation of the application filing fee, please see the attached Preliminary Amendment, canceling claims 2 to 36 without prejudice or disclaimer.
9. Fee Calculation (37 C.F.R. 1.16): Need to finalize after claim dep. are corrected.

CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	Basic Fee \$770.00
Total Claims	1 – 20	0	\$ 18.00 each =	+\$00.00
Independent Claims	1 – 3	0	\$ 86.00 each =	+\$00.00
Multiple dependent claims			\$290.00	+\$00.00
Sub-total =				\$770.00
Reduction by ½ for filing by a small entity				-\$385.00
Total Filing Fee =				\$385.00

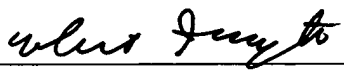
10. Fee Payment: The Commissioner is authorized to charge **\$385.00** to Deposit Account No. 50-0310 for payment of the application filing fee at the small entity rate.

11. Additional Papers Filed:
  - (i) Copy of Declaration
  - (ii) Submission of Formal Drawings
  - (iii) Formal Drawings (27 sheets)
12. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
13. **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

**Please accord this new U.S. Divisional Application a serial number and filing date.**

Dated: **February 6, 2004**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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Robert Smyth  
Registration No. 50,801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re <u>Divisional</u> Application of: <b>Holroyd et al.</b>	)	
	)	
Application No. <b>Not Assigned</b>	)	Art Unit: <b>Not Assigned</b>
	)	
Filed: <b>February 6, 2004</b>	)	Examiner: <b>Not Assigned</b>
	)	
For: <b>Asthma Associated Factors as Targets for</b>	)	
<b>Treating Atopic Allergies Including Asthma</b>	)	
<b>and Related Disorders</b>	)	

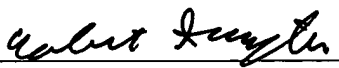
**SUBMISSION OF FORMAL DRAWINGS**

Submitted herewith are twenty-seven (27) sheets of formal drawings containing Figures 1-18. It is respectfully requested that these drawings be approved and replace the as-filed informal drawings in the above-identified divisional application.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **February 6, 2004**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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